

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOSEPH R. HUFFMAN,

PLAINTIFF,

VS.

CIVIL ACTION NO. 1:06CV196-P-D

**THE SHERIFF OF CLAY COUNTY,
MISSISSIPPI, IN HIS OFFICIAL CAPACITY,
AND LADDIE HUFFMAN AND DAVID
WINFIELD IN THEIR INDIVIDUAL
CAPACITIES,**

DEFENDANTS.

ORDER

This matter comes before the court upon Plaintiff's Motion for Evidentiary Hearing on Whether Supervisor David Winfield's Testimony Should be Stricken and a Default Judgment Entered Against Him Because He Committed Perjury and Solicited Perjury [160]. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

Because the issues raised in the instant motion are more properly dealt with during the summary judgment stage or during trial, the court does not find the instant motion for an evidentiary hearing well-taken.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's Motion for Evidentiary Hearing on Whether Supervisor David Winfield's Testimony Should be Stricken and a Default Judgment Entered Against Him Because He Committed Perjury and Solicited Perjury [160] is **DENIED**.

SO ORDERED this the 8th day of August, A.D., 2007.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE